

# **Town Board Minutes**

**Meeting  
No. 32**

***Special Meeting***

**October 20, 1997**

MEETINGS TO DATE 33  
NO. OF REGULARS 19  
NO. OF SPECIALS 14

LANCASTER, NEW YORK  
OCTOBER 20, 1997

A joint meeting of the Town Board and the Planning Board of the town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of October 1997, at 6:30 P.M. and there were

**PRESENT:** ROBERT GIZA, SUPERVISOR  
DONALD KWAK, COUNCIL MEMBER  
JOHN MILLER, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD CHAIRMAN  
JOHN GOBER, PLANNING BOARD MEMBER  
DAVID MARRANO, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:** FRANK DE CARLO, PLANNING BOARD MEMBER  
MILDRED WHITTAKER, PLANNING BOARD MEMBER

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of one action.

**IN THE MATTER OF THE UNCOORDINATED SEQR REVIEW OF THE  
BUFFALO CRUSHED STONE INC. SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Buffalo Crushed Stone Inc. site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER GOBER , TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
BUFFALO CRUSHED STONE SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 1.5 acres.

The location of the premises being reviewed is situate 740 feet west of Gunnville Road.

# REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.12.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No adverse effects noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No adverse effects noted**

- C.7 Other impacts (including changes in use of either quantity or type of energy.

**No adverse effects noted**

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

October 20, 1997

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and  
and,

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD CHAIRMAN ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

October 20, 1997

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:40 P.M.

  
Robert P. Thill, Town Clerk

# **Town Board Minutes**

**Meeting  
No. 34**

***Regular Meeting***

**October 20, 1997**

MEETINGS TO DATE 34  
NO. OF REGULARS 20  
NO. OF SPECIALS 14

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LANCASTER, NEW YORK  
OCTOBER 20, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 20th day of October 1997 at 8:00 P.M. and there were

**PRESENT:** DONALD KWAK, COUNCIL MEMBER  
JOHN MILLER, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR  
THOMAS FOWLER, CHIEF OF POLICE  
JOHANNA COLEMAN, RECEIVER OF TAXES  
CHRISTINE FUSCO, ASSESSOR

**PERSONS ADDRESSING TOWN BOARD:**

**Hammer, Brett**, 240 Ransom Road, spoke to the Town Board on the following matters:

- Asked for a three year freeze on the town tax rate.
- Requested information on the 1995 budget deficit.

**Brett, James**, 659 Harris Hill Road, spoke to the Town Board on the following matter:

The 30% general fund tax increase reflected in the present 1996 budget.

**Kubicki, Gloria**, 15 Maple Drive, spoke to the Town Board on the following matter:

Scope of audit services by Fox & Company.

**Schneggenburger, Roy**, spoke to the Town Board on the following matters:

- Low assessment on lots at 56 and 75 Michael Anthony Lane.
- Lease renewal for Building Department at 11 West Main Street.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

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At 8:30 P.M., the Town Board held a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposal to meet those needs to assist the town Board in developing the Town Application for 1998-1999 Community development Block Grant funds..

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**The following suggestions were put forth:**

- Use funds for the operation and maintenance of a senior citizens van.
- Use funds to improve the facilities of Sewer District #2.

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:40 P.M.

**PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:**

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon the rezone petition of Marrano/Marc Equity Corporation for property located north of Walden Avenue, east of Impala Parkway, in the Town of Lancaster for rezone of said property from a R-1, Residential district One, to a R-2, Residential District Two.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPONENTS**

David DePaolo, V.P. of Marrano Marc Equity  
William Tuyn, Architect to the petitioner

**OPPONENTS**

None

**COMMENTS & QUESTIONS**

Roy Shneggenburger,  
James Brett  
Mary Ann Frank  
Donald Symer

**ADDRESS**

87 Stony Road, Lancaster  
659 Harris Hill Road, Lancaster  
5176 Genesee Street, Lancaster  
610 Columbia Avenue, Lancaster

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:05 P.M.



**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MILLER TO WIT:

**RESOLVED**, that the minutes from the Regular Meeting of the Town Board  
held on October 6, 1997 be and hereby is approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO MOVED ITS  
ADOPTION. SECONDED BY COUNCIL MEMBER  
MONTOUR . TO WIT:

**WHEREAS**, Robert H. Giza, Budget Officer of the Town of Lancaster, on  
September 30, 1997, duly filed the tentative budget of said Town for the fiscal year beginning  
January 1, 1998, with the Town Clerk of said town, and

**WHEREAS**, the Town Clerk of the Town of Lancaster, duly presented said  
tentative budget to the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the said tentative budget is hereby approved as and shall  
become the preliminary budget of the Town of Lancaster for the fiscal year beginning January 1  
1998, and

**BE IT FURTHER**

**RESOLVED**, that said preliminary budget shall be filed in the Office of the  
Town Clerk of the Town of Lancaster and be made available by him to the public for inspection  
during the regular business hours of the Town Clerk's Office, and

**BE IT FURTHER**

**RESOLVED**, that a Public Hearing on the Preliminary Budget of the Town of  
Lancaster for the year 1998, be held by this Town Board at the Town Hall, 21 Central Avenue,  
Lancaster, New York on the 3rd day of November 1997, at 8:50 o'clock P.M., Local Time, and

**BE IT FURTHER**

**RESOLVED**, that a Legal Notice of said Public Hearing upon the 1998  
Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be  
published in the Lancaster Bee, on October 23, 1997 which Notice shall be in the form attached  
hereto and made a part hereof and which date of publication is not not less than five (5) days  
prior to the public hearing.

The question of the adoption of the following resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING  
ON THE 1998 PRELIMINARY BUDGET**

**NOTICE IS HEREBY GIVEN**, that the Preliminary Budget of the Town of Lancaster, for the fiscal year beginning January 1, 1998, has been filed in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested persons during office hours.

**FURTHER NOTICE IS GIVEN**, that the Town Board of the Town of Lancaster will meet and review said Preliminary Budget and hold a Public Hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:50 o'clock P.M., Local Time, on the 3rd day of November 1997, and at such hearing, any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following Town Officers are specified as follows:

Supervisor - as Supervisor	49,847.00
- as Budget Officer	5,170.00
Councilman	13,085.00
Councilman	13,085.00
Councilman	13,085.00
Councilman	13,085.00
Town Justice	28,319.00
Town Justice	28,319.00
Receiver of Taxes	40,145.00
Town Clerk - as Town Clerk	48,101.00
- as Records Management Officer	4,417.00
- as Registrar of Vital Statistics	900.00
- as Clerk to Zoning Board of Appeal	2,294.00
Superintendent of Highways	45,000.00

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL, Town Clerk

October 20, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR, TO WIT:

**WHEREAS**, the Town Board, on behalf of all the Special Districts and Special Improvement Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred, has duly prepared detailed estimates in writing of the anticipated revenues and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same, and

**WHEREAS**, the Town Board has assessed the amount of said estimates on several lots against which the expense of the Improvement was charged in proportion to the amount of benefit conferred, and

**WHEREAS**, Assessment Rolls were duly prepared according to law and said assessment rolls were duly filed in the Office of the Town Clerk,

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That a Public Hearing is hereby called and shall be held on the 3rd day of November 1997, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place this Town Board will meet to consider the aforementioned Special Districts Budget for the Year 1998, and to hear all persons interested in the subject matter thereof, and concerning the same, and

2. That a Legal Notice of said Public Hearing be published in the Lancaster Bee on October 23, 1997 which Notice shall be in the form attached hereto and made a part hereof and which date of publication is not less than ten (10) nor more than twenty (20) days prior to the public hearing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

**LEGAL NOTICE**  
**TOWN OF LANCASTER**  
**NOTICE OF PUBLIC HEARING**  
**UPON THE 1998 SPECIAL DISTRICTS BUDGET**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Lancaster, New York, has completed its estimates and assessment roll relating to Special Districts, spreading costs on a benefit basis, and has filed same with the Town Clerk for the following districts for the year 1998:

Consolidated Water District

Sanitary Sewer District Number 1 - Glendale and Parkdale

Sanitary Sewer District Number 2

Sanitary Sewer District Number 4

Sanitary Sewer District Number 6 - Ward Road

Sanitary Sewer District Number 7 - Walden Avenue and Enterprise Drive

Sanitary Sewer District Number 8 - Fox Valley

Sanitary Sewer District Extension Numbers 1, 2, 3 and 4 to Sanitary Sewer District Number 2

Sanitary Sewer Lateral Districts Numbers 1 and 2, and Meadow Lea Estates, Lancaster Heights, Markey Avenue, South Broezel, Ronald Drive-Charlton Place and Botimer Place, within Sanitary Sewer District Number 2

Consolidated Lighting District Number 1

Fire Protection District

Refuse and Garbage District

and,

**FURTHER NOTICE IS GIVEN**, that a Public Hearing on such estimates and Assessment Roll will be held on November 3, 1997, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place the Town Board will meet to hear and consider any persons interested in the subject matter thereof.

BY ORDER OF THE: TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL, Town Clerk

October 20, 1997

File: RBUDGETS (P5-6)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MILLER TO WIT:

**WHEREAS**, the Town has received a proposal letter dated September 15, 1997  
from Fox & Company, Certified Public Accountants, for the audit of General Purpose  
Financial Statements as of and for the year ended December 31, 1997, and for other  
services,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Town Board does hereby authorize the Supervisor to  
countersign the Fox & Company proposal dated September 15, 1997 for the audit of  
General Purpose Financial Statements as of and for the year ended December 31, 1997, and  
for other services, with an approximate fee of \$25,300.00.

The question of the adoption of the following resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK,, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR , TO WIT:

**WHEREAS**, on April 21, 1997, the Town Board of the Town of Lancaster approved the rezone of certain property owned by George O'Neil and located on Nichter Road in the Town of Lancaster, for the purpose of constructing patio homes, and

**WHEREAS**, a condition of that rezone was that the developer shall apply for a building permit within ninety (90) days of approval of the Site Plan, and

**WHEREAS**, by letter dated October 2, 1997, Mr. O'Neil has requested an additional six (6) months to obtain a building permit based upon the fact that his engineers have been unable to meet the time schedule set forth in the rezone approval with the delays which are occasioned by approvals at the Erie County Health Department, the Erie County Water Authority and Erie County Department of Environment and Planning, and

**WHEREAS**, the developer has indicated his full intent to build the project but for the time delays as beforementioned;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the resolution adopted on April 21, 1997, approving the rezone of property owned by George O'Neil, be amended by deleting the ninety (90) day condition to obtain a building permit and substituting therefore, the following:

"C That the proponent/developer apply for a building permit within one hundred eighty (180) days of approval of the site plan by the Town Board"

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

File: rdprile



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MILLER, TO WIT:

**WHEREAS**, BUFFALO CRUSHED STONE, INC., has submitted a proposed site plan dated August 15, 1997, for the construction of an antenna tower on its property located on the west side of Gunnville Road, north of the New York State Thruway, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan, and at its meeting of September 17, 1997, recommended approval, and

**WHEREAS**, a SEQR review of this project was held on October 20 1997 and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Buffalo Crushed Stone, Inc., for the construction of an antenna tower on its property located on the west side of Gunnville Road, north of the New York State Thruway in the Town of Lancaster, with plans prepared by Nussbaumer & Clarke, dated August 15, 1997

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

File: rsiant

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK , WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR , TO WIT:

**WHEREAS**, the developer of the Lake Forest Subdivision and Liberty Square Subdivision posted a \$2,000. detention bond/escrow for the Lake Forest Subdivision, and

**WHEREAS**, upon completion of the work in that subdivision the beforementioned bond/escrow was assigned to guaranty completion of the detention area in the Liberty Square Subdivision, and

**WHEREAS**, the developer has now requested that the Town release the bond/escrow, and

**WHEREAS**, the Town Engineer has inspected the detention area in the Liberty Square Subdivision and has determined that there is a small amount of remedial work to be accomplished and which can be done through the Town for a cost of less than \$500.00, and it is further recommended that the Town return \$1,500.00 and retain \$500.00 to assure completion of this remedial work;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board, after review and consideration, deems it appropriate to release \$1,500.00, payable to the attorney for the developer of the Lake Forest Subdivision with the Town retaining \$500.00 to assure the remedial work is completed; and
2. That the Supervisor's office be and is hereby authorized and directed to prepare and forward a check in the amount of \$1,500.00, payable to David A. Brody, Attorney, 230 Brisbane Building, Buffalo, New York 14203.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

File: r1kfrdet

**PREFILED RESOLUTION NO. 8**

8. Miller/\_\_\_\_\_ Request Traffic Study Erie County Re: Traffic Signal At  
Intersection Of Bowen Road & William Street

At the request of Council Member Miller, this resolution was withdrawn for  
further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MILLER, TO WIT:

**WHEREAS**, Paul J. Pionessa applied for a building permit to erect a shed on  
premises known as 6217 Genesee Street within the Town of Lancaster, and

**WHEREAS**, said application being Building Permit No. 4287 of the year 1997  
was approved by Town Board resolution on July 7, 1997, and

**WHEREAS**, Paul J. Pionessa, by letter, has requested a refund of \$25.00 which  
represents the full amount of this building permit application fee,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk of the Town of Lancaster be and is hereby  
authorized to prepare a voucher and refund to Paul J. Pionessa in the sum of \$25.00 representing  
the total fee collected for Building Permit No. 4287 of 1997, and

**BE IT FURTHER**

**RESOLVED**, that Building Permit No. 4287 of the Town of Lancaster be and is  
hereby voided.

The question of the adoption of the following resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION. SECONDED BY COUNCIL  
MEMBER MILLER, TO WIT:

**WHEREAS**, Bernhard E. Platzer, Jr., 145-147 Pleasant View Drive, Lancaster, New York 14086, has applied for a Dumping Permit for property situated at 145-147 Pleasant View Drive, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

**WHEREAS**, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Bernhard E. Platzer, Jr., 145-147 Pleasant View Drive, Lancaster, New York 14086, be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 145-147 Pleasant View Drive, Lancaster, New York 14086, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

**BE IT FURTHER**

**RESOLVED**, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should also be aware that if he intends to build on any filled area, bore samples along with a structural engineer's report will be required prior to the issuance of a building permit.
3. Filled area to be topsoiled, seeded and graded upon completion.
4. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
5. Mud from truck tires shall be cleaned off the road at the completion of operations for that day and more frequently if deemed necessary. The Town of Lancaster police shall stop operation immediately upon complaint of dirty road.
6. Existing drainage through the site shall be maintained. Existing swale along east property line shall be cleaned and shown to be functional.
7. Dumping will be allowed between the hours of 7:00 AM and 5:00 PM, Monday through Saturday. No dumping shall be allowed on Sunday.

8. Dust from the site shall also be prevented from migrating off site.
9. No more fill shall be brought onto the site.

and.

**BE IT FURTHER**

**RESOLVED**, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

**BE IT FURTHER**

**RESOLVED**, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

File: RPERMIT.DUMP(6-7)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK. TO WIT:

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**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts:

Claim No. 16414 to Claim No. 16653 Inclusive

Total amount hereby authorized to be paid: **\$550,727.75**

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION. SECONDED BY COUNCIL  
MEMBER MILLER, TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby  
approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are  
waived for this permit.

(CSW) = Conditional sidewalk waiver.

**PREVIOUSLY TABLED:**

<u>No.</u>	<u>Code</u>	<u>Applicant</u>	<u>Street Address</u>	<u>Structure</u>
4208		Schuster Const.	12 Maple Drive	Ex. Sin. Dwlg
4549		Instant Inspections	5123 Transit Rd	Er/Alt Bldg & Sign
4559		Donald Taylor	606 Columbia St	Dem Shed/Er Garage

**NEW PERMITS:**

4597		Ron Schmitz	463 Pleasant View Dr	Er. Shed
4598		Don Pablo's	6727 Transit Rd	Er. Shed Roof
4599		Victor Hood	4056 Walden Ave	Er. Fence
4600		Donato Developers Inc	7 Wendtworth Ct	Er. Sin. Dwlg
4601		Andrea Griffin	34 Village View	Er. Fence
4602		Marrano/Marc Equity	14 Stonehedge Dr	Er. Sin. Dwlg
4603		Northstar Const	4779 Transit Rd	Rem. Office Bldg
4604		Ryan Homes	75 Michael Anthony	Er. Sin. Dwlg
4605		Robert Nowak	11 Westbury Ln	Er. Shed
4606		Andrews Jewelers	4733 Transit Rd	Er. Sign
4607		Mr/Mrs VanVugt	5133 William St	Er. Shed
4608		Tom Kroner	735 Erie St	Er. Deck
4609		Benderson Development	6375 Transit Rd	Er. Video Store
4610		Paul Pionessa	6217 Genesee St	Er. Garage
4611		Ken Karl	32 Spruceland Terr	Er. Shed
4612		Dan Scaglione	29 Spruceland Terr	Er. Shed
4613		Ryan Homes	<del>50</del> Michael Anthony 44 (ok)	Er. Sin. Dwlg

and,



**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

File:Rbldg2

Council Member Stempniak requested a suspension of the necessary rule for immediate consideration of the following resolution

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK , WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR , TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50 - Zoning - Section 20(B) of the Code of the Town of Lancaster, upon the application of **JAMES L. BUSSHART**, President of Mr. Oil Change, for a Special Use Permit to conduct New York State Motor Vehicle Inspections on premises located at 5123 Transit Road in the Town of Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50 - Zoning - Section 20(B), entitled Commercial Motor Service District of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **JAMES L. BUSSHART**, President of Mr. Oil Change, to conduct New York State Motor Vehicle Inspections and repairs related to the inspections on premises located at 5123 Transit Road in the Town of Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance subject to the following conditions:

- No outdoor storage of vehicles or parts.
- All operations to be done indoors.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 1997

File: Rspecial.use

**COMMUNICATIONS:**

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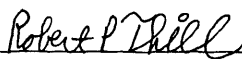
669. Council Member Montour to Greater Buffalo Partnership -  
Transmittal of information re: Get Real Campaign For Regional Competitiveness.  
DISPOSITION: Received and Filed
670. Council Member Montour to Mayors of the Villages of Lancaster and Depew -  
Transmittal of information re: Get Real Campaign For Regional Competitiveness.  
DISPOSITION: Received and Filed
671. Fox & Co. To Town Board -  
Confirmation of understanding of services to audit general purpose financial statements for year ended 12/31/97. DISPOSITION: Received and Filed
672. Phillips, Lytle, Hitchcock, Blaine & Huber LLP to Supervisor -  
Request issuance of building permits for town house units on public roadway not yet constructed within Stonybrook South. DISPOSITION: Planning Committee
673. Phillips, Lytle, Hitchcock, Blaine & Huber LLP to Supervisor -  
Request reconsideration of denial decision of Town Board re: issuance of building permits for town house units on public roadway not yet constructed within Stonybrook South.  
DISPOSITION: Planning Committee
674. County Div. of Highways to Supervisor -  
Transmittal of correspondence re: traffic signal at intersection of William Street and Bowen Road with request for resolution to initiate study. DISPOSITION: Town Attorney
675. County Dept. of Senior Services to Supervisor -  
Advisement of retirement of Jerry Richardson on 10/3/97 as Supervisor of "Going Places" vans with comments re: Town's takeover of van on 1/1/98. DISPOSITION: Received and Filed
676. Mr. Oil Change to Town Board -  
Explanation of business practices re: special use permit. DISPOSITION: Received and Filed
677. George O'Neil to Town Board -  
Request six month extension on requirement to apply for a building permit re: D'Aprile Springs Project No. 7207. DISPOSITION: Received and Filed
678. Sharon Bielmeier, 5 Steinfeldt Rd., to Town Board -  
Complaints re: Erie County Water Authority's remedial landscaping, water pressure, and fill in on driveway with request for assistance in obtaining results. DISPOSITION: Town Engineer
679. Town Attorney to Adelphia -  
Request status of review of revised proposed CATV Franchise Agreement. DISPOSITION: Supervisor and Town Attorney
680. NYS Off. of Real Property Services to Supervisor -  
Notification of amount of STAR local assistance being given to Town. DISPOSITION: Received and Filed
681. Buffalo News Article -  
Entitled "Municipalities United to Negotiate Garbage-Dumping Contract". DISPOSITION: Received and Filed
682. Morris, Cantor, Barnes, Goodman & Furlong to Hillview Baptist Church -  
Transmittal of check from Buffalo Building Trades Council for use of parking facilities.  
DISPOSITION: Received and Filed
683. Supervisor to Lancaster Mall, Inc. -  
Advisement that Town will exercise its option to renew lease for one year period commencing 11/1/97 for premises at 11 W. Main Street. DISPOSITION: Supervisor
684. Council Member Montour to Assemblywoman Sandra Lee Worth -  
Request funding for purchase of equipment for the four fire companies. DISPOSITION: Received and Filed
685. Council Member Montour to Senator Dale Volker -  
Request funding for purchase of equipment for the four fire companies. DISPOSITION: Received and Filed

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686. Council Member Montour to Congressman Jack Quinn -  
Request funding for purchase of equipment for the four fire companies. DISPOSITION:  
Received and Filed
687. Town Justice Kelleher to Town Clerk -  
Directive to Richard Thurnherr II to appear on 11/06/97 re: selling of motor vehicles.  
DISPOSITION: Planning Committee
688. NYS DOT to Town Clerk -  
Transmittal of Design Report/Draft Environmental Impact State/Draft Section 4(f) Evaluation  
for the Broadway alteration project. DISPOSITION: Town Engineer
689. Markar Products, Inc. to Building Inspector -  
Complaint of Erie County Water Authority's back flow preventer in front of Electrosynthesis.  
DISPOSITION: Supervisor
690. County Dep. Comm. Of Real Property to Supervisor -  
Request deliverance of 1998 Budget to County. DISPOSITION: Received and Filed
691. Bowmansville VFA Ass't Chief to Planning Board Chair. -  
Recommendations re: proposed Andrews Jewelers at Transit and Wehrle. DISPOSITION:  
Planning Committee
692. Bowmansville VFA Ass't Chief to Planning Board Chair. -  
Notice of acceptance of proposed pool enclosure project at Ramada Inn, 48 Freeman Dr.  
DISPOSITION: Received and Filed
693. Town Clerk to Media -  
Notice of SEQR meeting to be held 10/20/98 re: Buffalo Crushed Stone site plan.  
DISPOSITION: Received and Filed
694. Police Chief to Disaster Coordinator -  
Suggestion re: WNY Physical Therapy Group. DISPOSITION: Received and Filed
695. Town Attorney to Mark C. Butler, Esq. -  
Transmittal of documents re: Millgrove VFD Tax Exempt Application. DISPOSITION:  
Received and Filed
696. Planning Board to Town Board -  
Minutes from meeting held 10/1/97. DISPOSITION: Received and Filed
697. Planning Board to Town Board -  
Minutes from meeting held 10/15/97. DISPOSITION: Received and Filed
698. Planning Board to Town Board -  
Recommend approval of Mays Tree Service site plan. DISPOSITION: Planning Committee
699. Building Inspector to Town Board -  
Request inclusion re: employees receiving increased number of sick days benefits under  
White Collar Union contract. DISPOSITION: Supervisor
700. Building Inspector to Town Board -  
Request tabled building permit Nos. 4208, 4549 and 4559 be placed on agenda for approval at  
Town Board meeting to be held 10/20/97. DISPOSITION: Received and Filed
701. Building Inspector to Town Board -  
Transmittal of letter from Paul Pionessa requesting a refund for building permit application  
No. 4287 to erect a shed at 6217 Genesee Street. DISPOSITION: Received and Filed
702. Town Engineer and Building Inspector to Town Board -  
Recommend approval, with conditions, of Bernhard E. Platzer Jr. dumping permit  
application. DISPOSITION: Received and Filed
703. Disaster Coordinator to Supervisor -  
Request transfer of funds to cover cost of the "Back Safety Program". DISPOSITION:  
Supervisor
704. Disaster Coordinator to Safety Steering Committee -  
Comments re: WNY Physical Therapy Group. DISPOSITION: Received and Filed
705. NYS Dep. Of Public Service to Adelphia Cable and Supervisor -  
Notification that Adelphia has been granted a Temporary Operating Authority which expires  
4/16/98. DISPOSITION: Supervisor and Town Attorney

706. Polyfusion Electronics, Inc. to Supervisor -  
Concern about placement of large utility enclosure ("hot box") which is to be placed in front of the Electrosynthesis building at 72 Ward Rd. DISPOSITION: Supervisor
707. NYS Off. Of the State Comptroller to Supervisor -  
Reiteration of types of securities that may be pledged as collateral for local government bank deposits and investments. DISPOSITION: Received and Filed
708. Electrosynthesis Co., Inc. to Supervisor -  
Notification of displeasure of large utility enclosure ("hot box") which is being placed in front of building at 72 Ward Rd. and request that Town acquire the Ward Rd. Extension. DISPOSITION: Supervisor and Town Attorney
709. County Dept. Of Senior Services to Supervisor -  
Notice of public hearing to be held on 10/29/97 at Schiller Park senior Center in Buffalo re: Annual Plan for Services to the Elderly in Erie County DISPOSITION: Recreation Commission
710. Phillips, Lytle, Hitchcock, Blaine & Huber LLP to Supervisor -  
Letter of developer's understanding re: request for issuance of building permits for town house units on public roadway not yet constructed within Stonybrook South. DISPOSITION: Planning Committee
711. Insurance Services Office, Inc. to Supervisor -  
Confirmation that Class 4 continues to apply to fire insurance classification for Bowmansville FVA. DISPOSITION: Received and Filed
712. Insurance Services Office, Inc. to Town of Alden Supervisor -  
Confirmation that Class 4 continues to apply to fire insurance classification for Millgrove FVD. DISPOSITION: Received and Filed
713. Lancaster High School Motorcade Co-Chairpersons to Town Board -  
Request permission for motorcade to travel through Town on 10/24/97. DISPOSITION: Police Chief

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:20 P.M.

  
Robert P. Thill, Town Clerk